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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF CALIFORNIA  
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8 SUSAN MAE POLK,

9 Plaintiff,

10 v.

11 MARY LATTIMORE, et al.,

12 Defendants.  
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1:12-cv-01156-AWI-GSA-PC

ORDER STRIKING APPENDIX TO THIRD  
AMENDED COMPLAINT  
(Doc. 35.)

16 **I. BACKGROUND**

17 Susan Mae Polk ("Plaintiff") is a state prisoner proceeding pro se in this civil rights  
18 action pursuant to 42 U.S.C. § 1983. This action was initiated by civil Complaint filed on July  
19 16, 2012. (Doc. 1.) On December 2, 2013, Plaintiff filed the Third Amended, which awaits the  
20 court's requisite screening under 28 U.S.C. § 1915A. (Doc. 34.) On December 4, 2013  
21 Plaintiff filed an appendix in support of the Third Amended Complaint. (Doc. 35.)

22 **II. LOCAL RULE 220**

23 Local Rule 220 provides, in part:

24 Unless prior approval to the contrary is obtained from the Court, every  
25 pleading to which an amendment or supplement is permitted as a matter of right  
26 or has been allowed by court order shall be retyped and filed so that it is  
27 complete in itself without reference to the prior or superseded pleading. No  
28 pleading shall be deemed amended or supplemented until this Rule has been  
complied with. All changed pleadings shall contain copies of all exhibits  
referred to in the changed pleading.

1 Plaintiff seeks to add an appendix to the Third Amended Complaint by filing the  
2 appendix *after* the Third Amended Complaint was filed. Plaintiff may not amend the  
3 complaint in this manner.<sup>1</sup> Under Rule 220, Plaintiff may not amend the complaint by adding  
4 information piecemeal after the complaint has been filed. To add or change information in the  
5 Third Amended Complaint, Plaintiff must file a new Fourth Amended Complaint which is  
6 complete within itself.<sup>2</sup> Therefore, Plaintiff's appendix shall be stricken from the court's  
7 record.

8 **III. CONCLUSION**

9 Accordingly, IT IS HEREBY ORDERED that Plaintiff's appendix to the Third  
10 Amended Complaint, filed on December 4, 2013, is STRICKEN from the court's record.<sup>3</sup>

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14 IT IS SO ORDERED.

15 Dated: December 11, 2013

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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24 <sup>1</sup> Moreover, Plaintiff has been forewarned that her complaint may not exceed 25 pages. (Order, Doc. 31.)

25 <sup>2</sup> Plaintiff is advised that she is not permitted to file a Fourth Amended Complaint without obtaining  
26 leave of court. Under Rule 15(a) of the Federal Rule of Civil Procedure, a party may amend the party's pleading  
27 once as a matter of course at any time before a responsive pleading is served. Otherwise, a party may amend only  
28 by leave of the court or by written consent of the adverse party. Fed. R. Civ. P. 15(a). Here, because Plaintiff has  
previously amended the complaint, she requires leave of court to amend the complaint again.

<sup>3</sup> When a document is stricken, it becomes a nullity and is not considered by the court for any purpose.